

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(AFT).No. 1 of 2015 ()

PETITIONER(S) :

GROUP CAPTAIN S BANERJEE (17066-K) ADM, AGED 56 YEARS
S/O.LATE AJIT KUMAR BANERJEE
RETIRED AS DY CHIEF ADMINISTRATIVE OFFICER OF CHAF
BANGALORE HAVING PERMANENT ADDRESS AT NO.04
YASH CLASSIC ENCLAVE (PHSE I), HENNUR ROAD
BANGALORE-560 043.

BY ADV. SRI.BIJU ABRAHAM

RESPONDENT(S) :

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF DEFENSE
SOUTH BLOCK, NEW DELHI-110001.
2. CHIEF OF AIR STAFF
AIR HEADQUARTERS (VAYUBHAVAN), RAFI MARG
NEW DELHI-11.
3. AIR OFFICER IN -CHARGE PERSONNEL
AIR HEADQUARTERS (VB), RAFI MARG,
NEW DELHI-11.
4. AIR OFFICER COMMANDING IN-CHIEF
HEADQUARTERS, TRAINING COMMAND,
JC NAGAR POST, BANGALORE-06.
5. COMMANDANT
COMMAND HOSPITAL, AIR FORCE, AGRAM POST
BANGALORE-560007 (KARNATAKA).
6. CPSO HEAD QUARTERS
EAC C/O 99 APO, THE AIR OFFICER COMMANDING,
5 W/G, AIR FORCE STATION,
KALAIKUNDA (WEST BENGAL).

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WP (ARMED FORCES TRIBUNAL - Art.226) HAVING BEEN
FINALLY HEARD ON 09-03-2015, ALONG WITH WPAFT. 2/2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: COPY OF THE ORDER DATED 01.01.2014 IN
O.A.NO.106/2013 AND CONNECTED CASES OF THE ARMED FORCES
TRIBUNAL, REGIONAL BENCH, KOCHI.

EXHIBIT-P2: COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT
DATED 21.01.2015.

EXHIBIT-P3: COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT
DATED 22.01.2015.

EXHIBIT-P4: COPY OF THE INSTRUCTIONS TO OFFICERS ISSUED BY
THE 2ND RESPONDENT DATED 22.01.2015.

EXHIBIT-P5: COPY OF THE FORM OF ACKNOWLEDGEMENT DIRECTED TO
BE GIVEN BY THE PETITIONER AT THE INSTANCE OF 2ND RESPONDENT
DATED 22.01.2015.

EXHIBIT-P6: COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER
DATED 03.02.2015.

EXHIBIT-P7: COPY OF THE MEMORANDUM OF ORIGINAL APPLICATION IN
O.A.NO.12/2015 ON THE FILES OF ARMED FORCES TRIBUNAL, REGIONAL
BENCH, KOCHI.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
WP(AFT) Nos. 1 & 2 of 2015
.....

Dated this the 9th day of March, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

Read order dated 20.02.2015.

The learned Assistant Solicitor General of India submits that the directions contained in the aforementioned order have been implemented and the order of the Armed Forces Tribunal has been complied with to that extent. He submits that these writ petitions can, therefore, be closed making absolute the order dated 20.02.2015 and leaving open the establishment's right to challenge the order of the Tribunal, which is Ext.P1 in these matters. The learned counsel for the petitioners submits that subsequent petitions have also been filed before the Tribunal. We record these submissions and order these writ petitions making absolute the interim order dated 20.02.2015 without prejudice to the right of the

establishment to challenge Ext.P1 and also without prejudice to the petitioners seeking further relief from the Tribunal.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)

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